

1
2
3
4
5
6
7

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 ROBERTO J. EDWARDS,
12 Plaintiff,
13 v.
14 R. SINGH, *et al.*,
15 Defendant

Case No. 2:24-cv-2480-JDP (PC)

ORDER

GRANTING PLAINTIFF'S APPLICATION
TO PROCEED IN FORMA PAUPERIS
AND DISMISSING THE COMPLAINT
WITH LEAVE TO AMEND

ECF Nos. 1 & 2

Plaintiff, a state inmate, brings this § 1983 action against correctional officer R. Singh and
18 CDCR. ECF No. 1. The allegations in the complaint are insufficient to proceed in the same
19 action. Plaintiff's application to proceed *in forma pauperis* makes the required showing and will
20 be granted. Plaintiff's complaint, however, will be dismissed with leave to amend.

Screening and Pleading Requirements

23 A federal court must screen the complaint of any claimant seeking permission to proceed
24 *in forma pauperis*. See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and
25 dismiss any portion of the complaint that is frivolous or malicious, fails to state a claim upon
26 which relief may be granted, or seeks monetary relief from a defendant who is immune from such
relief. *Id.*

A complaint must contain a short and plain statement that plaintiff is entitled to relief;

1 Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its
2 face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not
3 require detailed allegations, but legal conclusions do not suffice. *See Ashcroft v. Iqbal*, 556 U.S.
4 662, 678 (2009). If the allegations “do not permit the court to infer more than the mere
5 possibility of misconduct,” the complaint states no claim. *Id.* at 679. The complaint need not
6 identify “a precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024,
7 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that
8 give rise to an enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264
9 n.2 (9th Cir. 2006) (en banc) (citations omitted).

10 The court must construe a pro se litigant’s complaint liberally. *See Haines v. Kerner*, 404
11 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it
12 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which
13 would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017).
14 However, “a liberal interpretation of a civil rights complaint may not supply essential elements
15 of the claim that were not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251,
16 1257 (9th Cir. 1997) (*quoting Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)).

Analysis

18 The complaint alleges two unconnected claims. First, the complaint alleges that defendant
19 Singh falsified documents on January 15, 2020, that led to plaintiff being placed in solitary
20 confinement and being denied parole for two years. ECF No. at 2. Second, that plaintiff has
21 “been the victim of multiple crimes, agonizing incarceration, and ha[s] suffered a tremendous loss
22 of various property.” *Id.* at 3. The complaint also claims that CDCR is liable for its employees’
23 actions. *Id.*

24 The court has conducted the required screening and finds that the complaint does not
25 comply with the federal rules concerning joinder of claims. Under Rule 20 of the Federal Rules
26 of Civil Procedure, a plaintiff cannot bring unrelated claims against different defendants. *See*
27 *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) (“Unrelated claims against unrelated
28 defendants belong in different suits.”). In other words, a plaintiff cannot join claims against

1 defendant B that have nothing to do with those brought against defendant A. Conclusory
2 allegations concerning a wide-ranging conspiracy are not sufficient to satisfy the joinder rules.
3 Additionally, plaintiff is notified that there can be no liability under 42 U.S.C. § 1983 unless there
4 is some affirmative link or connection between a defendant's actions and the claimed deprivation.
5 *Rizzo v. Goode*, 423 U.S. 362 (1976). Furthermore, vague and conclusory allegations of official
6 participation in civil rights violations are not sufficient. *Ivey v. Board of Regents*, 673 F.2d 266,
7 268 (9th Cir. 1982).

8 For these reasons, the complaint will be dismissed with leave to amend.

9 Plaintiff may file an amended complaint. He is advised that the amended complaint will
10 supersede the current complaint. *See Lacey v. Maricopa Cnty.*, 693 F.3d 896, 907 n.1 (9th Cir.
11 2012) (en banc). This means that the amended complaint will need to be complete on its face
12 without reference to the prior pleading. *See* E.D. Cal. Local Rule 220. Once an amended
13 complaint is filed, the current complaint no longer serves any function. Therefore, in an amended
14 complaint, as in an original complaint, plaintiff will need to assert each claim and allege each
15 defendant's involvement in sufficient detail. The amended complaint should be titled "First
16 Amended Complaint" and refer to the appropriate case number.

17 Accordingly, it is ORDERED that:

- 18 1. Plaintiff's application for leave to proceed *in forma pauperis*, ECF No. 2, is granted.
- 19 2. Plaintiff's complaint, ECF No. 1, is dismissed with leave to amend.
- 20 3. Within thirty days from service of this order, plaintiff shall file either (1) an amended
complaint or (2) notice of voluntary dismissal of this action without prejudice.
- 21 4. Failure to timely file either an amended complaint or notice of voluntary dismissal may
result in the imposition of sanctions, including a recommendation that this action be dismissed
22 with prejudice pursuant to Federal Rule of Civil Procedure 41(b).
- 23 5. The Clerk of Court shall send plaintiff a complaint form with this order.

24
25
26
27
28

1
2 IT IS SO ORDERED.
3

4 Dated: November 14, 2024
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


3
4 JEREMY D. PETERSON
5 UNITED STATES MAGISTRATE JUDGE